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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,035

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EXAMINER

WASI, SHAFQAT

ART UNIT

PAPER NUMBER

3654

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DELIVERY MODE

10/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,035	Applicant(s) LENNING, ANDERS	
	Examiner SHAFQAT WASI	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) 10,12-17 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-9,11,18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/27/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is a First Office Action on the Merits. Claims 1, 4-9, 11, 18 and 19 as originally filed are currently pending and have been considered as follows. Claims 10, 12-17 and 20 are withdrawn from further consideration for being directed to the non elected species. Claims 2 and 3 are cancelled by the applicant.
2. Applicant's election of Species A in the reply filed on 06/30/2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1, 4-9, 11, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, lines 11-12, the recitation "to permit selection of the second energy level" renders the claim indefinite, because the retractor always uses the second energy level and only selects the first energy level if the initial belt force is below a predetermined force.

As per claim 4, lines 4-6, the recitation "the second part of the spindle movable relative to the first part causing the relative movement" renders the claim indefinite,

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because it is not clear how and to which part, the relative movement between the first and second part of the spindle is causing the relative movement to.

As per claim 18, line 1, the recitation "any one of claim 4" renders the claim indefinite, because there is only one claim 4 being claimed.

As per claim, 5-9, 11 and 19 are rejected because they depend from claim 1 and carry the same deficiency.

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4-9, 11, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by CLUTE ET AL. (US Pat. 6,616,081).

As per claim 1, CLUTE ET AL. teaches of a seat belt retractor with switchable force limiter mechanism (Fig. 1) comprising

a force limiter (13) to permit the restricted paying out of the seat belt (9) webbing with the absorption of energy (see Fig. 1),

the force limiter (13) providing a first relatively high energy absorbing level (14) and a second relatively low energy absorbing level (15),

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a control mechanism (19) operable to select between the energy absorbing levels (14, 15) in response to a crash related electric signal (39) (see Fig. 8),

the control mechanism (19) initially selecting the first energy level (14) upon locking of the retractor (10) by the locking device (17) and being responsive to relative movement between two components of the retractor (10) caused by an initial belt force less than a predetermined force to permit selection of the second energy level (15), and

further being responsive to the relative movement between the components of the retractor (10) caused by an initial belt force in excess of the predetermined force, to inhibit the effective selection of the second energy absorbing level (15), thereby maintaining the first energy level (14) (col. 2, lines 53-67 and col. 3, lines 1-8 disclose the selection of different level of energy absorption depending on a predetermined threshold).

As per claims 4-9, 11, 18 and 19, CLUTE ET AL. teaches of a seat belt retractor with switchable force limiter mechanism (Fig. 1) having all the structural limitations of claim 1 above and further disclose a retractor

As per claims 4, wherein the two components of the retractor (10) are formed by a spindle within the retractor having a first part of the spindle (see Fig. A below, 50 and a frame) being adapted to be locked from rotating by the locking device (17), a second part of the spindle (12) having the seat belt (9) wound around it, the second part of the spindle (12) movable relative to the first part (see Fig. A below, 50 and a frame) causing the relative movement when the initial belt force in excess of the predetermined force is

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applied (col. 3, lines 58-67 disclose a switching device for switching between a higher level of force to a lower level of force).

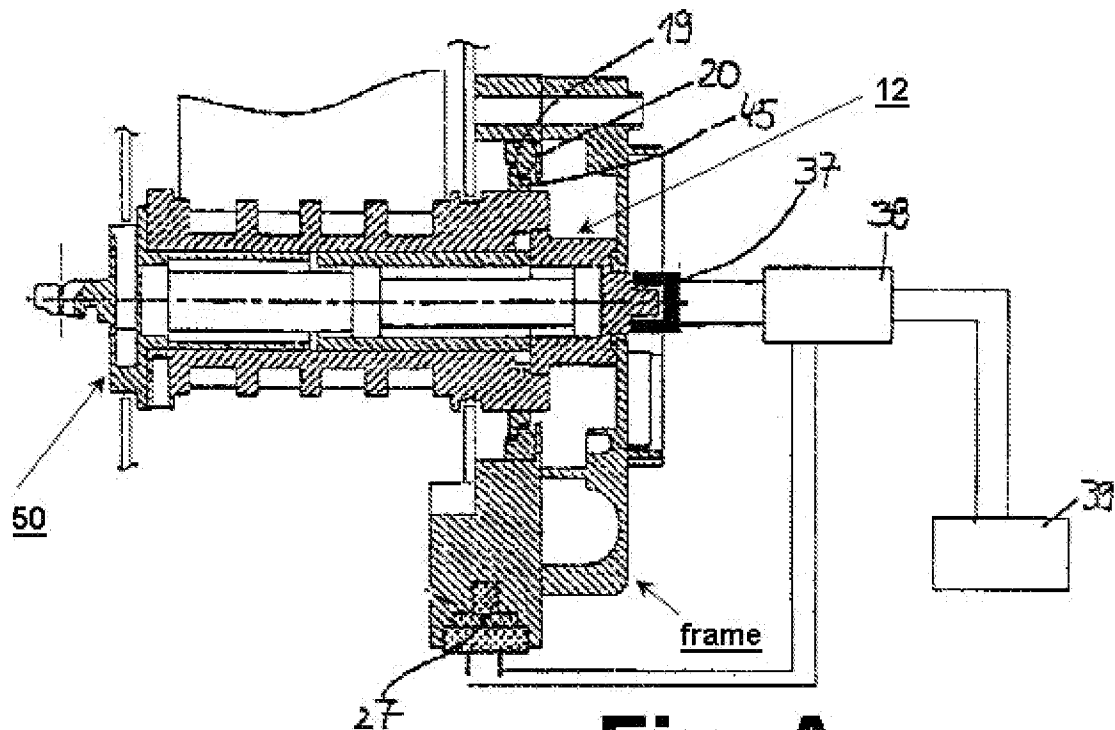


Fig. A

(US Pat. 6,616,081)

As per claims 5, wherein the second part of the spindle (12) is connected to the first part of the spindle (see Fig. A above, 50 and a frame) by means of an energy absorbing torsion bar (13), the energy absorbing torsion bar (13) having two sections (14 and 15 respectively), a first section (14) being operative to provide the first relatively high energy absorbing level and a second section (15) being operative to provide the

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second relatively low energy absorbing level (col. 3, lines 58-67 disclose a switching device for switching between a higher level of force to a lower level of force).

As per claims 6, wherein the control mechanism (19) incorporates a locking element (21) and an inhibiting element (18), the inhibiting element (18) engaging part of the torsion bar (13) between the first and the second sections (14 and 15 respectively) thereof, the locking element (21) initially engaging part of the inhibiting element (18) and the second part of the spindle (12) to secure the inhibiting element (18) to the second part of the spindle (12), the locking element (21) being moveable to a release position through the control mechanism (19) in which the locking element (21) does not secure the inhibiting element (18) to the second part of the spindle (12) (col. 4, lines 1-14).

As per claims 7, wherein the locking element (21) is a radially moveable locking element, the locking element (21) initially being retained in an engaged position by means of a blocking element (45), the control mechanism (19) being configured to move the blocking element (45) and the locking element (21) to a release position in response to the crash related electric signal (39) (col. 4, lines 34-41).

As per claims 8, wherein the blocking element (45) is in the form of a ring (see Fig. 1A).

As per claims 9, wherein the blocking element (45) is moveable in response to the generation of gas by a pyrotechnic squib (27) (see Fig. 3).

As per claims 11, further comprising a control element (28), the squib (27) being positioned to direct gas to the control element to move the control element (28) so that the movement of the control element moves the blocking element (45) to the release position (see Fig. 3).

As per claims 18, wherein wires are provided to supply the electric signal (see Fig. 8), a part of at least a position of the wire extending from the first part of the spindle (see Fig. A above, 50 and a frame) to the second part of the spindle (12), the part of the wire being configured to be broken upon the relative movement of the second part of the spindle relative to the first part (col. 5, lines 51-67 disclose a control mechanism providing a signal for actuation of the pyrotechnic unit (27). Furthermore, it is noted that any wire is inherently configured to be broken, with or without relative movement).

As per claims 19, wherein the inhibiting element (18) is provided with a deformable portion (13) which is configured to be deformed in response to the relative movement of the second part of the spindle (12) to a first part of the spindle (see Fig. A above, 50 and a frame), the deformable part (13) being positioned to co-operate with a correspondingly configured part of the second part of the spindle (12), to engage the

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deformable part (13) with the second part of the spindle (12) so as to inhibit effective selection of the one of the second energy level (15) (see Fig. 1A).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAFQAT WASI whose telephone number is (571)270-5731. The examiner can normally be reached on Monday-Friday 7:30-5:00 Alternate Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571)272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. W./

Examiner, Art Unit 3654

/John Q. Nguyen/

Supervisory Patent Examiner, Art Unit 3654